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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/645,933	08/25/2000	John R. Ellis	06543-020002	4134
24573	7590	06/27/2005	EXAMINER	
BELL, BOYD & LLOYD, LLC PO BOX 1135 CHICAGO, IL 60690-1135			TRUONG, LECHI	
			ART UNIT	PAPER NUMBER
			2194	
DATE MAILED: 06/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/645,933

Applicant(s)

ELLIS ET AL.

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-60 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 52-60 are presented for the examination. Claims 1-51 are cancelled.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 52-58 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claims 52-58 are non-statutory because it is not tangibly embodied in a manner so as to be executable as the only hardware is in an intended use statement.

Claim 52 defines "System" in the preamble and the body of the claim recites "a script program", "an object embedding program". The script program and the object-embedding program appear to be software modules, which are not tangible. Therefore, claim 52 is non-statutory because it recites a system claim that comprises non-tangible embodiments.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 52-54, 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramous (US. Patent 5,896,533) in view of Rosen et al (US. Patent 5,745,767).

5. As to claim 52, Ramous teaches the invention substantially as claimed including: a computer in communications network (the network of computers in WWW 102, col 1, ln 56-67/ col 2, ln 1-19/ Fig 1 b), data (data, col 2, ln 44/ col 3, ln 52-54), a script program (Presentation mechanism object, col 4, ln 16-25/ col 6, ln 10-15/ ln 34-45/ ln 55-60), extracting data (data 201 is retrieved from www 206 may be drapped and dropped onto window 204, col 50-55), network server (www server 206, col 3, ln 15-67/ col 6, ln 10-67/ Fig. 2b), a computer (computer 200, Fig. 2a), an object embedding program (OLE object linking and embedding , col 3, ln 49-55/ ln 60-67), located said script program(Presentation Mechanism 304 may be registered to appear in the menu list as “ www Document” which may be selected by the user, col 6, ln 10-15), network based information (name, addresses of objects, and files on Internet's WWW 206/ the server name and path name to the file where the object's content reside, col 3, ln 15-67), object embedding program being structured (the Object linking and embedding technology (OLE 2.0) are extended, col 4, ln 5-11), a compound document implemented(application 202, 204, col 3, ln 15-67/ Fig. 2.a).

6. Ramous does not explicit teach the term object embedding program can locate said script program, said object embedding program being structured to apply said script program. However, Rosen teaches object embedding program can locate said script

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program, said object embedding program being structured to apply said script program (the test script program calls the CreateObject function. The CreateObject function is a wrapper function which calls API functions to obtain an object from a server application program and insert the object into a container application program, col 35, ln 16-22/ col 2, ln 30-40/ the word _Insertobject function calls the ZmeuEx function to select the “Insert” and “Object” menu commands, col 39, ln 9-15/ calls API functions to obtain an object from a server application program and insert the object into a container application program or the word _insertobject is a object embedding program).

7. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Ramous and Rosen because Rosen's locate said script program, said object embedding program being structured to apply said script program would improve the performance of Ramous' system by allowing script program are written in order to correctly inserts and object from a server program into a container application program.

8. As to **claim 53**, Rosen teaches said link from with said object embedding program can locate said script program comprising a direct link to said script program (col 39, ln 9-15).

9. As to **claim 54**, Ramous teaches link to said network based information (col 50, ln 50-55/ Fig. 26).

10. As to **claim 56**, Ramous teaches link comprises a universal resource locator (col 6, ln 10-15).

11. As to **claim 57**, Ramous teaches compound document (applications 202, 204, col 3, ln 15-67/ Fig. 2.a).

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12. As to claim 58, Ramous teaches network based information is a page of information (col 2, ln 13-15).

13. As to claims 59, 60, they are apparatus claims of claim 1; therefore, it is rejected for the same reason as claim 1 above.

Allowable Subject Matter


14. Claim 55 is object to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).


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